

**IN THE DRAWINGS:**

The attached sheet of drawings includes changes to Figures 3 and 4A-4H. These sheets, which includes Figures 3 and 4A-4H, replace the original sheets including Figures 3 and 4A-4H. In Figures 3 and 4A-4H, the capping layer and corresponding reference numeral 513 has been added to the respective figures. Further discussion of the drawings is made in the REMARKS section of the response. The drawings sheets are submitted in compliance with 37 CFR 1.121(d).

**Attachment:           (3) Replacement Sheets**

## REMARKS

This is intended as a full and complete response to the Office Action dated April 19, 2005, having a shortened statutory period for response extended two months to expire on September 19, 2005. Claims 28-49 are pending in the application and are shown above. Claims 28-38, 40-46 and 49 are rejected by the Examiner. Claims 29, 35, 36, 39-41 and 46-49 are objected to by the Examiner. Applicant cancels claims 28-38, 40-46, and 49 without prejudice. The Examiner has indicated that claims 39, 47, and 48 are objected to and would be allowable if rewritten in independent form. Applicants have rewritten claims 39, 47, and 48 in independent form. Reconsideration of the rejected claims is requested for reasons presented below.

In the specification, the paragraphs [0077] and [0081], have been amended to include the capping layer reference numeral **513** as shown in the amended drawings Figures 3 and 4A-4H and in accordance with sections §706.03(o) and 608.01(l) of the MPEP. Paragraph [0086] has been amended to more clearly recite the process step shown in Figures 4B and 4C, and the amendment is supported by the subject matter of paragraphs [0085] and [0086]. No new matter has been introduced in the amendments to the paragraphs.

The drawings were objected to by the Examiner under 37 CFR 1.83(a) on grounds that some of the limitations of claims 30, 35, 40, 44, 45, and 46, were not shown in the drawings. Applicants have previously cancelled claims 30, 35, 40, 44, 45, and 46 without prejudice, and the limitations (a) 'photoresist adjacent the silicon oxide cap or nitrogen-free silicon carbide cap' and (b) 'silicon oxide cap or nitrogen-free silicon carbide cap adjacent the second dielectric layer' are not included in the pending claims. Applicants reserve the right to amend the drawings as necessary to correspond to the originally claims subject matter including the above cited limitations as necessary in accordance with sections §706.03(o) and 608.01(l) of the MPEP in subsequent continuation applications. In amended Figures 3 and 4A-4H, the limitation 'nitrogen free silicon carbide cap adjacent the first dielectric layer' has been addressed by adding the nitrogen free silicon carbide cap and the corresponding reference numeral **513** to Figures 3 and 4A-4H. The reference numeral **513** for the capping layer has been added

to the drawings in accordance with sections §706.03(o) and 608.01(l) of the MPEP and is not new matter. Withdrawal of the objection to the drawings is respectfully requested.

Claims 29, 35, 36, 40, 41, 46 and 49 are objected to because of informalities. Claims 29, 35, 36, 40, 41, 46 and 49 have been cancelled without prejudice by the Applicants. Amended claims 39, 47, and 48 do not include the objected to informalities. Withdrawal of the objection is respectfully requested.

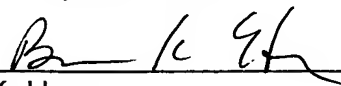
Claims 28-38, 40-46 and 49, as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by *Lu et al.*, (U.S. 6,812,134, hereafter "Lu"). Applicants have cancelled claims 28-38, 40-46, and 49 without prejudice. Applicant respectfully traverses the rejections with respect to claims 28-38, 40-46, and 49, and reserves the right to present substantive arguments with respect to the *Lu et al.*, reference cited by the Examiner in a preliminary amendment accompanying any continuation application. Withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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